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Mexican Nationality

By: Pablo Mateos

HP Henley & Partners

Dimitry Kochenov

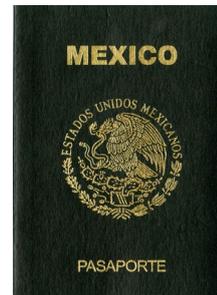
Mexican Nationality



Pablo Mateos
CIESAS Research Center
in Social Anthropology,
Mexico



Mexico is a country with nearly 120 million inhabitants, 99.2% of which are native-born and hence, under Mexican law, are full citizens thanks to automatic *ius soli* provisions. Moreover, there are 11.6 million Mexican-born people living in the US, comprising a total population of about 130 million Mexican-born citizens in North America. Furthermore, there are 12.6 million US-born persons living in the US or Mexico with at least one Mexican-born parent, who are legally Mexican nationals by birth. Finally, there are another 11.8 million people living in the US who claim other Mexican heritage, and who may soon be entitled to Mexican nationality thanks to a constitutional reform recently approved by the Mexican Senate. This reform



introduces unlimited *ius sanguinis* transmission of Mexican citizenship over generations, just as in the Italian model. All in all there could soon be 154.6 million Mexican nationals on both sides of the 3,000 km Mexican–US border. The magnitude of these figures explains why Mexican nationality policy is increasingly relevant in North America and cannot be disentangled from the population of the US, and the migration policies of its powerful northern neighbor.



The recent shift towards a renewed interest in Mexican citizenship can be traced back to 12 December 1996, when the Mexican Congress approved a Constitutional Reform known as ‘non-forfeiture’ (*no pérdida*) of Mexican

nationality, along with a new nationality law which for the first time in history allowed dual nationality for Mexican nationals. That Congress chose such a symbolic date to pass this legislation, the day of the Virgin of Guadalupe, one of the most important symbols of Mexico's nationalism, is very telling of the intentions behind this reform; a tool for diaspora politics, aiming to embrace the large population of Mexican-born citizens living in the US and facilitate their political integration in both countries. This new law, which entered into force in 1998, has *de facto* allowed Mexican dual nationality for Mexicans and eased the naturalization requirements for the acquisition of Mexican citizenship by removing the need to renounce one's birth citizenship. Foreigners with a work permit living in Mexico can apply for naturalization after five years of permanent residence. This period is reduced to two years for those born in an Ibero-American country (Latin America – including Spanish speaking America and Brazil, Spain and Portugal) or spouses or parents of a Mexican national. This two years' preferential residence period for naturalization for Ibero-Americans is reciprocated by 22 countries, including the EU Member States Spain and Portugal, where Mexican nationals can naturalize after two years' residence. This is another intrinsic value embedded within Mexican citizenship.

Furthermore, over the last decade renewed global interest in EU passports through the ancestry route has been particularly popular in Latin America, a continent of historical settlement of European migrants in the late 18th and early 20th centuries. In 2016 there were around 100,000 Spaniards born and residing in Mexico, an increase of 100% since 2009, when the consular statistical series began. This increase is mostly due to the Spanish 2008 Historic Memory Act, intended to repair the wounds from the Spanish Civil War and embrace the refugee families, which in this case ended up in Mexico. Other Mexican-EU dual nationals with Italian, German, French and Greek passports living in Mexico have also resorted to the ancestry route to EU citizenship. Through over 90 interviews with dual Euro-Mexican nationals, I can outline the main motivations to seek EU citizenship as follows: increased global mobility options and visa-free travel to the neighboring US; better opportunities for short spells of education, work and business; improved career opportunities (intra-company transfers and freelance work); and in the case of older Mexicans, reconnection with part of their family history, to repair memories of exile, and feelings of identity in an ancestral community.

In 2016 the Mexican nationality was ranked 53rd with a value of 42.9% in the QNI General Ranking. This places Mexico in the tier of High Quality nationalities, behind other Latin American countries, namely Chile, Argentina, Brazil, Uruguay, Paraguay and Peru (in rank order). This is mainly because of the poorer settlement rights of Mexicans, who can only freely settle in Georgia. Another reason for the poorer quality of Mexican nationality is the violence and lack of good governance which Mexico has experienced over the past decade, and which form part of the internal factors which make up the QNI.

With regard to Travel Freedom, the Mexican nationality enjoys a higher ranking, at 40th, improving 10 positions from 2015 with seven additional visa-free or visa-on-arrival destinations. Overall, Mexican nationality allows visa-free travel to the Schengen Area and the whole of the EU, as well as to the rest of Latin America and countries such as New Zealand, Japan and, most importantly, Canada, which lifted the seven-year visa restriction on Mexicans at the end of 2016. Whether this change by Canada shifts part of the pressure on immigration control at the southern US border to the northern one, is yet to be seen. But an electronic pre-approval system prior to flight departure is likely to filter out Mexicans by socio-economic status, something the visa-free policy does not necessarily refer to. Furthermore, the qualitative value of a Mexican passport is also important in the US context. A common reason quoted by dual US Mexican nationals applying for a Mexican passport during the research interviews

I carried out at Mexican consulates in the US seemed to be the greater Travel Freedom compared to US nationality for visiting places such as Cuba, the Russian Federation, Iran, the Middle East or other Muslim countries. The other two reasons are inheriting or acquiring property in Mexico, which is quite cumbersome for foreigners and simply forbidden in the coastal and border regions; and studying at Mexican universities. Given the strong 82% devaluation of the Mexican peso against the US dollar over the last two years, and the rising cost of US universities, Mexico has become even more attractive for immigrants from the US and Canada seeking a second home, affordable retirement, quality and cheaper graduate education, and even for entrepreneurs in the tech industry seeking to remain in close contact with Silicon Valley.

On this latter trend, it is interesting to observe a sharp increase in the amount of skilled foreign labor employed by US, Indian, German and even Russian software companies in Mexico, especially in Guadalajara tech hub (which is only a three and a half hour flight away from San Francisco). In the long term, this trend will encourage more interest in the value of a Mexican permanent residence and eventually a Mexican passport, allowing easier access to a US tourist visa linked to multi-national companies and frequent business travel. As the US places even more stringent restrictions on skilled immigration under the Trump Administration, the value of a Mexican passport, as a base from which to work and conduct business with the US, will most likely increase. It would not be surprising even to witness something similar to the late 19th to early 20th century US immigration ban for Asian countries, which created a large Chinese and Japanese population stuck on the Mexican side of the US border.

Although the North American Free Trade Agreement (NAFTA) did not include free labor mobility clauses, it did include a quota-free system of preferential US temporary visas (called TN visas) for Mexican nationals performing skilled jobs in certain professions, or for businesspeople investing in the US. This mechanism allowed thousands of wealthy Mexicans to escape the critical period of the drug cartel violence of 2006–2012. This route might end if President Trump succeeds in his efforts to cancel NAFTA. Mexico is also a signatory to other free-trade agreements with ease of travel and settlement provisions, such as the Pacific Alliance signed in 2011 with Chile, Colombia and Peru (and soon Panama).

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Antigua and Barbuda
+1 869 465 6220
antigua@henleyglobal.com

Australia
+61 3 8658 5994
australia@henleyglobal.com

Austria
+43 1361 6110
austria@henleyglobal.com

Canada
+1 514 288 1997
canada@henleyglobal.com

Croatia
+385 21 321 027
croatia@henleyglobal.com

Cyprus
+357 2531 1844
cyprus@henleyglobal.com

Dubai (UAE)
+971 4 392 77 22
dubai@henleyglobal.com

Grenada
+1 473 443 4000
grenada@henleyglobal.com

Hong Kong
+852 3101 4100
hongkong@henleyglobal.com

Jersey/British Isles
+44 1534 514 888
jersey@henleyglobal.com

Latvia
+371 66 05 1009
latvia@henleyglobal.com

Lebanon
+961 76 834 632
lebanon@henleyglobal.com

Malaysia
+603 2731 9340
malaysia@henleyglobal.com

Malta
+356 2138 7400
malta@henleyglobal.com

Philippines
+632 669 27 71
philippines@henleyglobal.com

Portugal
+351 213 970 977
portugal@henleyglobal.com

Singapore
+65 6438 7117
singapore@henleyglobal.com

South Africa
+27 21 850 0524
southafrica@henleyglobal.com

South Korea
+82 10 5147 2300
korea@henleyglobal.com

St. Kitts and Nevis
+1 869 465 6220
stkitts@henleyglobal.com

St. Lucia
+1 758 458 9777
stlucia@henleyglobal.com

Switzerland
+41 44 266 22 22
switzerland@henleyglobal.com

Thailand
+662 041 4628
thailand@henleyglobal.com

Turkey
+90 212 373 9588
turkey@henleyglobal.com

United Kingdom
+44 207 823 10 10
uk@henleyglobal.com

Vietnam
T +848 3911 1667
vietnam@henleyglobal.com